

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE BOEING COMPANY,

Defendant.

THE BOEING COMPANY,

Counterclaimant,

v.

UNITED STATES OF AMERICA,

Counterclaim-Defendant.

CASE NO. C22-0485JLR

**JOINT STIPULATED MOTION AND  
~~Proposed~~ ORDER TO EXTEND  
DEADLINE FOR RULE 30(b)(6)  
DEPOSITIONS AND EXPERT  
DISCOVERY AND MOTION  
DEADLINES**

**Noting Date: July 8, 2024**

JOINT STIPULATED  
MOT. TO EXTEND EXPERT  
DISCOVERY AND MOTION  
DEADLINES C22-0485JLR

The United States and Boeing jointly move the Court for permission to take depositions under FRCP 30(b)(6) after the Court's July 19, 2024 deadline for completion of fact discovery in this matter and to briefly extend the deadlines set forth in the Court's Order at ECF No. 77 for expert discovery and motions practice. Granting the Parties' request will not alter the trial-ready date for this matter.

The Parties have diligently pursued fact discovery, deposing many witnesses, serving numerous requests for production, requests for admission, and interrogatories, and conferring as needed. Although the Parties expect to complete all responses to outstanding discovery requests before the Court's July 19, 2024 deadline, given the age, volume, means of storage, and location of many documents in this case, some documents may not be produced until the final week of fact discovery. To allow for productive 30(b)(6) depositions, the Parties request to take depositions under FRCP 30(b)(6) until **September 6, 2024**, and to briefly extend the expert discovery deadlines and the deadline for motions as follows:

EVENT	CURRENT DEADLINE UNDER ECF NO. 77	PROPOSED REVISED DEADLINE
Initial Phase I expert written reports completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served.	August 30, 2024	October 11, 2024
The identity of any experts who may testify in rebuttal to any initial Phase I expert must be disclosed.	October 4, 2024	November 8, 2024
Any rebuttal expert's written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served.	October 31, 2024	December 13, 2024
All Phase I expert discovery must be complete	January 31, 2025	February 28, 2025
All non-dispositive motions, other than motions in limine, are due	January 31, 2025	February 28, 2025

JOINT STIPULATED  
MOT. TO EXTEND EXPERT  
DISCOVERY AND MOTION  
DEADLINES C22-0485JLR

All dispositive motions are due	February 28, 2025	March 31, 2025
Motions in limine are due	March 14, 2025	<del>April 11, 2025</del> July 8, 2025*
Pretrial Conference*	May 5, 2025	July 29, 2025, at 2:00 P.M.*

\*The court has modified certain proposed and existing deadlines as indicated above.

All other deadlines will remain as set forth in the Court's February 27, 2024 Order (ECF. No. 77).

Respectfully submitted,

**For the United States of America:**

TODD KIM  
Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice

/s/ Stefan J. Bachman

Dated: July 5, 2024

STEFAN J. BACHMAN  
RACHAEL KAMONS  
SHEILA McANANEY  
Environmental Enforcement Section  
LAURA GLICKMAN  
AMANDA V. LINEBERRY  
Environmental Defense Section  
P.O. Box 7611  
Washington, DC 20044-7611  
Phone: (202) 616-6536 (Bachman)  
Stefan.Bachman@usdoj.gov  
Rachael.Kamons@usdoj.gov  
Sheila.McAnaney@usdoj.gov  
Laura.Glickman@usdoj.gov  
Amanda.Lineberry@usdoj.gov  
DAVIS H. FORSYTHE

JOINT STIPULATED  
MOT. TO EXTEND EXPERT  
DISCOVERY AND MOTION  
DEADLINES C22-0485JLR

1 Environmental Enforcement Section  
2 SONYA J. SHEA  
3 Environmental Defense Section  
4 999 18th Street, South Terrace, Suite 370  
5 Denver, CO 80202  
6 Davis.Forsythe@usdoj.gov  
7 Sonya.Shea@usdoj.gov

8 TESSA M. GORMAN  
9 United States Attorney

10 BRIAN C. KIPNIS  
11 Assistant United States Attorney  
12 Office of the United States Attorney  
13 5220 United States Courthouse  
14 700 Stewart Street  
15 Seattle, WA 98101-1271  
16 Phone: (206) 553-7970  
17 Brian.Kipnis@usdoj.gov  
18 **For The Boeing Company:**

19 /s/ P. Derek Petersen

Dated: July 5, 2024

20 David J. Burman, WSBA No. 10611  
21 Kathleen M. O'Sullivan, WSBA No. 27850  
22 Meredith R. Weinberg, WSBA No. 45713  
23 Marten N. King, WSBA No. 57106  
24 Paige L. Whidbee, WSBA No. 55072  
25 Perkins Coie LLP  
26 1201 Third Avenue, Suite 4900  
27 Seattle, Washington 98101-3099  
28 Telephone: +1.206.359.8000  
Facsimile: +1.206.359.9000  
DBurman@perkinscoie.com  
KOSullivan@perkinscoie.com  
MWeinberg@perkinscoie.com  
MKing@perkinscoie.com  
PWhidbee@perkinscoie.com  
Shane R. Swindle, AZ Bar No. 11738  
(admitted pro hac vice)  
P. Derek Petersen, AZ Bar No. 25683  
(admitted pro hac vice)  
Perkins Coie LLP  
2901 North Central Avenue, Suite 2000

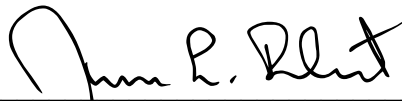
JOINT STIPULATED  
MOT. TO EXTEND EXPERT  
DISCOVERY AND MOTION  
DEADLINES C22-0485JLR

1 Phoenix, Arizona 85012  
2 Telephone: +1.602.351.8000  
3 Facsimile: +1.602.648.7000  
4 SSwindle@perkinscoie.com  
5 PDPetersen@perkinscoie.com  
6 Scott M. McCaleb, DC Bar No. 439925  
7 (admitted pro hac vice)  
8 Wiley Rein LLP  
9 2050 M Street NW  
10 Washington, DC 20036  
11 SMcCaleb@wiley.law

12 **ORDER**

13 Based on the foregoing, IT IS SO ORDERED.

14  
15 Dated: July 8, 2024

16   
17 \_\_\_\_\_  
18 The Honorable James L. Robart  
19 UNITED STATES DISTRICT JUDGE  
20  
21  
22  
23  
24  
25  
26

27 JOINT STIPULATED  
28 MOT. TO EXTEND EXPERT  
DISCOVERY AND MOTION  
DEADLINES C22-0485JLR